



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
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CONSUMER PROTECTION DIVISION
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Press Release

FOR IMMEDIATE RELEASE

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Attorney General McGraw Files Lawsuit Against Unlicensed Funeral Home Foglesong-Tucker; Funds Misappropriated

Attorney General Darrell McGraw filed suit today against Mr. Blue, Inc., d/b/a Foglesong Tucker Funeral Home ("Foglesong Tucker"), and its President, Jerry Tucker, in the Circuit Court of Mason County. The lawsuit alleges that the funeral home has misappropriated funds belonging to at least two consumers who paid in advance for funeral goods and services. Currently, the funeral home holds at least \$250,000.00 in preneed funeral contract funds, but is not licensed to perform the contracts, withdraw the funds, or accept prepayments from consumers.

Any funeral home which accepts advance payments from consumers must obtain a special certificate of authority to sell preneed funeral contracts. All contracts and advance payments must be disclosed to the Attorney General's Preneed Funeral Services Division so the handling of consumers' funds can be monitored. Ignoring these requirements, Foglesong Tucker has failed to renew its certificate of authority on numerous occasions, and over the years, a large number of transactions and payments have gone unreported.

McGraw's office first investigated Foglesong Tucker in 2006 after the funeral home ignored licensing guidelines, and the investigation revealed a number of contracts and payments from Foglesong Tucker's customers that the funeral home failed to disclose to McGraw's office. Foglesong Tucker was required to sign an agreement by which the proprietor paid the Attorney General's office all outstanding fees and promised to obey preneed funeral laws in the future.

Problems surfaced again in 2009, when Foglesong Tucker again allowed its license and certificate of authority to lapse for months. A subsequent audit revealed yet another set of contracts and payments that the funeral home had accepted without informing the Attorney General's office. Foglesong Tucker was given one more chance to begin complying with state law, but deadlines lapsed without a resolution. Since that time, City National Bank of West Virginia responded to the Attorney General's inquiries with information that funds belonging to at least two consumers were never deposited in the bank.

Because of the funeral home's habitual misconduct, the lawsuit seeks to forever ban Foglesong Tucker from accepting prepayments from consumers for their funeral purchases and to seize all preneed contract funds from the Defendants to prevent future mishandling. The suit also seeks restitution for any consumers who were harmed by the Defendants' conduct, as well as civil penalties, punitive damages, and interest on all judgments.

Any person suspecting that Foglesong Tucker Funeral Home may have mishandled their advance payments should contact the Attorney General's Consumer Hotline, at 800-368-8808, or 304-558-8986.

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